IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 5TH NOVEMBER 2007 / 14TH KARTHIKA 1929

Bail Appl..No. 6667 of 2007()

CRMP.3585/2007 of II ADDL. DISTRICT COURT, PALAKKAD
[CRIME NO.259/2007 OF KASABA POLICE STATION, PALAKKAD]

.....

: PETITIONER/ACCUSED NO.1

PROMOD, S/O.BHASKARAN, 32 YEARS,
KURINGIKATTIL HOUSE, VENGARA,
MALAPPURAM DIST.

BY ADV. SRI.T.K.SAIDALIKUTTY
SRI.LAL K.JOSEPH
SRI.A.A.ZIYAD RAHMAN

RESPONDENTS:

---

1. THE STATE REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
KASABA POLICE STATION, PALAKKAD.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 05/11/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6667 of 2007

Dated this the 5th day of November, 2007

ORDER

Application for regular bail. The petitioner faces allegations under Sections 324 and 506 I.P.C and Section 27 of the Arms Act. The alleged incident took place on the midnight of 20.09.07. The complaint was lodged only on 25.09.07. The petitioner was arrested on 27.09.07. The co-accused have not been arrested so far. The crux of the allegations is that because of the enmity between the petitioner and the 1st accused, the 1st accused engaged mercenaries accused Nos.2 to 7 and they together armed with dangerous weapons threatened and intimidated the defacto complainant. Simple injuries were also inflicted on him. The petitioner was arrested on 27.09.07. He continues in custody from that date.

2. The learned counsel for the petitioners prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied, in the facts and circumstances of this case, that the petitioner can now be enlarged on bail subject to appropriate terms and conditions. I agree with the learned Public Prosecutor that the presence of the petitioner in the locality of the crime can be excluded for some period of time to abate threats and dangers and to maintain law and order in the locality.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays for a period of two months and thereafter as and when directed by the Investigating Officer in writing to do so;

iii) The petitioner shall not, during the said period of 2 months, enter the jurisdiction of Kasba Police Station, Palakkad without the prior permission of the learned Magistrate except for the purpose of complying with condition No.ii above.

(R.BASANT, JUDGE)

rtr/-